

**FACSIMILE TRANSMISSION**

To: Examiner O. Nadav  
Company: Patent and Trademark Office  
Fax no: 703-308-6919

From: William A. Jividen, Esq.  
Our ref: MIO 0054 PA

Date: April 7, 2003

No. pages: 8 (including cover)

Trans. no: 7274

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Application of

Applicants : Chandra V. Mouli and Ceredig Roberts  
Serial No. : 09/648,044  
Filed : August 25, 2000  
Confirm No. : 6800  
Title : **METHOD AND DEVICE TO REDUCE GATE-INDUCED DRAIN  
LEAKAGE (GIDL) CURRENT IN THIN GATE OXIDE MOSFETs**  
Docket No. : MIO 0054 PA  
Examiner : O. Nadav  
Art Unit : 2811

Patents, Trademarks and Related Matters

Killworth, Gottman, Hagan &amp; Schaeff, L.L.P.

One Dayton Centre  
One South Main Street, Suite 500  
Dayton, Ohio 45402-2023

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PETITIONS OFFICE

#17

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

Applicants : Chandra V. Mouli and Ceredig Roberts

Serial No. : 09/648,044

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PETITIONS OFFICE

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office ((703) 308-6916) on April 7, 2003.	
	42,695
William A. Jividen	Reg. No.

Sir:

**PETITION FOR REVIVAL OF AN APPLICANT FOR PATENT ABANDONED**  
**UNAVOIDABLY UNDER 37 CFR 1.137(a)**

This petition for revival is being filed in response to the Notice of Abandonment mailed on March 27, 2003, in accordance with 37 CFR 1.137(a), and along with the petition fee as set forth in 37 CFR 1.37(l). Since the application was filed on or after June 8, 1995, no terminal disclaimer is required.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**STATEMENT**

In the Notice of Abandonment, it was indicated that a final office action was mailed on April 5, 2002. However, the final office action was not received by the Applicants' representative. Applicants' representative attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. As provided for in

Serial No.: 09/648,044  
Docket No.: MIO0054PA

MPEP 711.03(c), a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached.

Secondary considerations substantiating the belief that the application was still pending include the following facts. Applicants' representative over this period filed supplemental information disclosures on March 26, 2002, August 5, 2002 and October 17, 2002. Applicants' representative also filed a status inquiry on October 9, 2002, requesting a communication indicating the status of this application. Such a communication was not provided. A second status inquiry was filed once again on February 7, 2003, again requesting a communication on the status of the application. With no response, the Examiner was telephoned on February 13, 2003, wherein the Examiner notified the Applicants' representative of the final office action being mailed on April 5, 2002.

In response to the telephone inquiry on February 13, 2003, the Examiner reissued the final office action dated February 24, 2003. An after final response was promptly filed on March 5, 2003. However, after receipt of Applicants' after final response, the Examiner informed the Applicants' representative that the application had gone abandoned, and that the final rejection was reissued by mistake, which was indicated in the Notice of Abandonment.

In view of the above facts, Applicants submit that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable due to the non-receipt of the final office action mailed on April 5, 2002. Applicants respectfully request and petition the revival of this application.

Respectfully submitted,

KILLWORTH, GOTTMAN, HAGAN &  
SCHAEFF, L.L.P.

By



William A. Jividen  
Registration No. 42,695

One Dayton Centre  
One South Main Street, Suite 500  
Dayton, Ohio 45402-2023  
Telephone: (937) 223-2050  
Facsimile: (937) 223-0724

**Country Application**

04-Apr-03

**Case Number:** MIO0054      **Country:** US      **SubCase:**  
**Client:** Micron Technology, Inc.      United States of America  
**Case Type:** ORD      **Application Status:** FINAL REJ      **Area(s):**  
**Application Number:** 09/648044      **Filing Date:** 25-Aug-200      WO  
**Patent Number:**      **Issue Date:**  
**Publication Number:**      **Publication Date:**  
**Tax Schedule:** LE      **Expiration Date:**  
**KGHS Ref #:** PA      **Tax Start Date:**  
**Agent:** KGHS      Killworth, Gottman et al  
**Agent Reference Number:** 98-0771

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**List Of Actions**

Action(s) Due	Due Date	Action Taken
FIRST DRAFT DUE TO MICRON	03-Mar-2000	29-Feb-2000
FR STATUS	08-Oct-2000	22-Sep-2000
ASSIGNMENT DUE	25-Nov-2000	25-Aug-2000
Information Disclosure Stmt	25-Nov-2000	09-Nov-2000
6 Mo. Foreign Filing Reminder	25-Feb-2001	13-Feb-2001
Foreign Filing Reminder	25-Feb-2001	13-Feb-2001
RESPONSE DUE	30-Nov-2001	09-Nov-2001
Application Status Check	25-Feb-2002	31-Oct-2001
3 Month Due Date	05-Mar-2002	07-Jan-2002
DRAWINGS DUE	05-Mar-2002	07-Jan-2002
AMENDMENT FEE DUE	13-Mar-2002	22-Feb-2002
SUPPL IDS DUE	31-Oct-2002	05-Aug-2002
PETITION TO REVIVE DUE	07-Apr-2003	
3 Month Due Date	24-May-2003	05-Mar-2003
NOTICE OF APPEAL DUE	24-May-2003	
1st Extension	24-Jun-2003	Reminder
2nd Extension	24-Jul-2003	Reminder
6 Month Final Date	24-Aug-2003	Final

Remarks: CONF. NUMBER 6800

(PA): LARGE ENTITY

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**Country Application**

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04-Apr-03

OPEN NEW FILE 2-16-99

APPLN. SENT TO CLIENT FOR REVIEW VIA FED EX 2-29-00

APPLN; FORMAL PAPERS TO CLIENT FOR EXECUTION 6/26/00

APPLN., INFORMAL DRAWINGS, DECLARTION & POA,  
ASSIGNMENT SENT TO PTO VIA EXPRESS MAIL 8-25-00

FR FROM PTO 9-22-00

NOTICE OF RECORDATION FROM PTO 11-1-00 / RECORDATION  
DATE OF 8-25-00 ON REEL 011054/FRAME 0125

ORIG. ASSIGNMENT TO CLIENT 11-7-00

IDS TO PTO 11-9-00

6 MONTH FOREIGN FILING INQ. TO CLIENT 2-13-01

RESTR REQ FROM PTO 11-5-01

RESPONSE FAXED TO PTO 11-9-01

OA FROM PTO 12-10-01

AMENDMENT & FORMAL DRAWINGS TO PTO 1-7-02

COMMUNICATION FROM PTO RE INFORMALITY OF PAYMENT OF  
FEE 2/19/02

RESP OT OA FAXED TO PTO 2-22-02

SUPPL IDS TO PTO 3-26-02

SUPPL IDS TO PTO 8-5-02

STATUS INQ TO PTO 10-9-02

SUPPL IDS TO PTO 10-17-02

STATUS INQ TO PTO 2-7-03

04/07/03 14:02

937 223 0724

KILLWORTH ET AL

006/009

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## Country Application

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04-Apr-03

OFFICIAL COMMUN TO PTO VIA FAX RE STATUS 2-13-03

FINAL REJECTION FROM PTO 2-28-03

AMENDMENT TO PTO VIA FAX 3-5-03

User ID: lai

Date Created: 17-Feb-1999

Last Update: 06-Mar-2003

PTO/SB/17 (01-03)

Approved for use through 04/30/2003, OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**110.00****Complete if Known**

Application Number	09/648,044
Filing Date	April 7, 2003 <b>FAX RECEIVED</b>
First Named Inventor	Chandra V. Mouli
Examiner Name	O. Nadav <b>APR 07 2003</b>
Art Unit	2811
Attorney Docket No.	MIO 0054 PA <b>PETITIONS OFFICE</b>

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b> 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b> 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	110.00
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Partitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**110.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	William A. Jividen	Registration No. (Attorney/Agent)	42,695	Telephone	(937) 223-2050
Signature		Date	April 7, 2003		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO-2038 (02-2000)

Approved for use through 01/31/2003. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## United States Patent &amp; Trademark Office

APR 07 2003

## Credit Card Payment Form

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Please Read Instructions before Completing this Form

Credit Card Information			
Credit Card Type:	<u>Visa</u>	MasterCard	American Express Discover
Credit Card Account #:	4246 3118 0404 4805		
Credit Card Expiration Date:	07/2004		
Name as it Appears on Credit Card:	KGHS		
Payment Amount: \$(US Dollars):	\$110.00		
Signature:	Date: April 7, 2003		
<small>Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.28). Refund of a fee paid by credit card will be via credit to the credit card account.</small>			
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Credit Card Billing Address			
Street Address 1: One Dayton Centre			
Street Address 2: One South Main Street, Suite 500			
City: Dayton			
State: Ohio		Zip/Postal Code: 45402-2023	
Country:			
Daytime Phone #: (937) 223-2050		Fax #: (937) 223-0724	
Request and Payment Information			
Description of Request and Payment Information:			
Petition for Revival of an application abandoned unavoidably			
Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/648,044	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. MIO 0054 PA		Identify or Describe Mark	

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